

Exhibit D

~~UNDER SEAL SUBJECT TO MDL AND FBI PROTECTIVE ORDERS~~

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to:

Underwriting Members of Lloyd's Syndicate 2, et al. v. Al Rajhi Bank, et al., No. 16-cv-07853
Addesso, et al. v. Kingdom of Saudi Arabia, et al., No. 16-cv-09937
Aguilar, et al. v. Kingdom of Saudi Arabia, et al., No. 16-cv-09663
Hodges, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-00117
Aiken, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-00450
Charter Oak Fire Insurance Co., et al. v. Al Rajhi Bank, et al., No. 17-cv-02651
Abarca, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-03887
Arrowood Indemnity Co., et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-03908
Abedhajajreh, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-06123
Muenchener Rueckversicherungs-Gesellschaft Aktiengesellschaft in Muenchen, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-07914
Abbate, et al. v. Kingdom of Saudi Arabia, et al., No. 17-cv-08617

PLAINTIFFS' RESPONSE TO AL RAJHI BANK'S EXHIBIT 60 (ECF NO. 9870-1)

Al Rajhi Bank (“ARB”) has lodged improper objections to hundreds of Plaintiffs’ exhibits cited in Plaintiffs’ Corrected Averment of Jurisdictional Facts and Evidence and/or Statement of Facts Pursuant to Rule 56.1 (ECF No. 9764). The enclosed chart sets forth Plaintiffs’ responses to ARB’s evidentiary objections contained in its Exhibit 60. The lengthy legal argument presented in this document violates this Court’s briefing order, ECF No. 9596, in multiple respects, and should be stricken. It represents an obvious attempt to evade the page limits the Court imposed on briefing, and directly contravenes the Court’s directive that admissibility objections should be stated simply (i.e. “hearsay”) and that “no legal argument should be included.”

Plaintiffs also object to the extent that ARB has broadly violated the briefing Order, especially on arguments against the admissibility of CIA reports. ARB was required to state objections succinctly, as in “hearsay,” but buried pages of argument into its chart. As such, the objections raised by ARB in this respect should be ignored by this Honorable Court.

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Plaintiffs' exhibits relate to materials contained in the FBI's production in response to President Biden's Executive Order 14040 authorizing the release of documents and information related to the 9/11 attacks, noting it was "critical to ensure that the United States Government maximizes transparency." ARB's hearsay, authentication, and personal knowledge objections to various material—including a broad spectrum of evidence prepared by subject-matter experts within the U.S. government or recovered by law enforcement as part of government raids—are unfounded for the reasons set forth below:

1. Statements are not hearsay and are admissible under Federal Rule of Evidence ("Rule" or "FRE") 801(d)(2)(A)-(E) as statements by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them;
2. Even if hearsay, several exceptions apply:
 - (a) Business Records Exception, Rule 803(6), for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge;¹
 - (b) Public Records Exception, Rule 803(8)(A)(ii) for matters "observed while under a legal duty to report" (applicable to both U.S. government documents and other government documents);
 - (c) Public Records Exception for "factual findings from a legally authorized investigation." Rule 803(8)(A)(iii) (applicable to both U.S. government documents and other government documents, and if this exception applies, no need for hearsay within hearsay analysis);
 - (d) Statement could refresh recollection of witness. Rule 803(5);
 - (e) Ancient Documents Exception to the extent prepared prior to January 1, 1998. Rule 803(16);

¹ Plaintiffs are producing business records certifications received from the Central Intelligence Agency ("CIA") and Federal Bureau of Investigation ("FBI") concerning documents received from those agencies in response to subpoenas issued by the Plaintiffs in this litigation, and which are cited in Plaintiffs' Corrected Averment (ECF No. 9764). See Declaration of J. Scott Tarbutton Transmitting Documents in Support of Plaintiffs' Opposition to Defendant Al Rajhi Bank's Renewed Motion to Dismiss. The Department of Justice ("DOJ") has been working with the FBI and Treasury Department to obtain additional certifications to address other FBI and Treasury documents cited in the Corrected Averment that are not covered by the prior certifications. However, due to the extensive work over the past several weeks relating to the sealing dispute, which was the subject of the July 17, 2024 hearing before Judge Daniels, the DOJ has informed Plaintiffs that it will be a bit longer before they can provide us with the FBI and Treasury certifications. Plaintiffs will submit those certifications to the Court and counsel for ARB upon receipt.

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- (f) Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18);
 - (g) Unavailable Witness Exception, Rule 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna or self-incrimination) and refuses to testify on the subject matter; Rule 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result;
 - (h) Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703;
 - (i) Residual Hearsay Exception, Rule 807, when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence;
 - (j) The statements can also be used for impeachment and to undermine credibility of ARB witnesses, Rules 613 and 806, and can be affirmative evidence to the extent lie shows consciousness of guilt;
 - (k) Not hearsay if not offered for the truth of the matter (e.g., motive, notice, effect on listener, that individuals knew and associated with each other);
3. Certain documents are proper summary exhibits under Rule 1006 in that they contain material summarizing results of investigation or other information;
 4. The general policy in favor of admissibility especially in bench trials rather than a lay jury trial;
 5. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c);
 6. Court can take judicial notice of certain facts under Rule 201;
 7. Documents or statements satisfy conditional relevance standards under Rule 104(b);
 8. Documents or statements satisfy Rule 901 and would be authenticated as needed at trial;
 9. Certain documents were produced after depositions, so Plaintiffs had no opportunity to ask witnesses about them;
 10. Testimony satisfies Rules 602 and/or 701 as based on his perceptions and helpful to factfinder; and,
 11. Plaintiffs can buttress their allegations against ARB on issues that were not the subject of jurisdictional discovery.

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Plaintiffs have also lodged responses to each of ARB's objections on a document-by-document basis, citing the rules above without extensive legal argument, as directed by the Court. ECF No. 9026 at 5. Plaintiffs welcome additional briefing to aid the Court in resolving any complex evidentiary issues that arise. Plaintiffs reserve all rights to supplement their responses to ARB's evidentiary objections.

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
1	September 27, 2023 Transcript of the Deposition of Abdullah bin Sulaiman Al Rajhi	20, 28, 40, 41, 43, 44, 45, 47, 206, 207, 319, 324, 396, 399, 402, 405, 406, 407, 408, 409, 412, 415, 416	n/a	n/a
2	Pasley Exhibit 5, U.S. Diplomatic Cable, <i>Terrorist Financing: Al Rajhi Bank</i> , September 27, 2004	24, 184, 198	<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. 	<p>Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.”803(8)(A)(iii); Ancient Documents Exception to the extent prepared prior to January 1, 1998. Rule 803(16); hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703.</p> <p>Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of</p>

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				<p>trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
3	May 11, 2023 Transcript of the Deposition of Al Rajhi Bank Rule 30(b)(6) Designee James Galloway	26, 206, 212	n/a	n/a
4	Pasley Exhibit 3, Expert Report of Jonathan M. Winer, October 4, 2023	27, 36, 40, 46, 48, 49, 50, 51, 52, 63, 64, 65, 66, 67, 68, 70, 71, 74, 75, 107, 112, 113, 115, 116, 126, 127, 129, 138, 141, 143, 144, 146, 147, 158, 159, 161, 164, 179 (fns. 59,	<ul style="list-style-type: none"> • Expert is not qualified to offer opinion on Saudi Banking regulations or CIA intelligence gathering. <i>See</i> Fed. R. Evid. 702. • Expert's opinion does not reflect a reliable application 	<p>Expert opinion is admissible under Rule 702 as his opinion was reliable and qualified to offer opinion on the topics at issue.</p> <p>Per Rule 703 and 803(18) experts are permitted to rely on hearsay. Statements mentioned are not hearsay and are admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements</p>

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		60), 180 (fns. 74, 78), 182, 183, 184, 185, 186, 190, 206, 207, 208, 210, 211, 212, 214, 219, 221, 224, 227, 228, 230, 231, 232, 233, 235, 238, 239, 240, 241, 242, 243, 246, 253, 257, 260, 261, 262, 263, 273, 274, 278, 279, 280, 283, 284, 286, 287, 288, 289, 290, 293, 297, 298, 299, 303, 304, 306, 307, 308, 309, 314, 315, 316, 318, 319, 320, 324, 327, 328, 329, 331, 332, 338, 343, 352, 366, 368, 370, 375, 379, 380, 388, 389, 392, 394, 396, 398, 399, 400, 403, 406, 407, 408, 409, 411, 412, 413, 416, 431, 436, 465, 466, 470, 502, 525, 526, 527, 528, 534, 539, 541, 542, 544, 545,	<p>of the methods used to the facts of the case. <i>See Fed. R. Evid. 702.</i></p> <ul style="list-style-type: none"> • Should be excluded to the extent expert testimony is used as a conduit for inadmissible hearsay (for example, Kane Aff., NL docs, Golden Chain, CIA documents). <i>See Fed. R. Evid. 802.</i> • Should be excluded as needless presentation of cumulative evidence. <i>See Fed. R. Evid. 403.</i> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues, i.e., for discussing charity work and routine banking services that has no link to Al Qaeda, discussing attacks and theaters not at issue in this litigation, and for attempting to impute liability through guilt-by-association. <i>See Fed. R. Evid. 403.</i> 	<p>adopted or authorized by any of them. Even if it is hearsay, several exceptions apply:</p> <p>Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
		546, 547, 553, 562, 565, 568		by admissible evidence. Fed. R. Civ. P. 56(c). Proper summary evidence under Rule 1006. Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and does not needlessly present cumulative evidence.
5	Declaration of Jonathan M. Winer, March 7, 2024	27	n/a	n/a
6	1998 Al Rajhi Bank Annual Report	29, 33, 35	n/a	n/a
7	1999 Al Rajhi Bank Annual Report	29	n/a	n/a
8	2000 Al Rajhi Bank Annual Report	29, 33, 35	n/a	n/a
9	CIA Report, <i>Funding Islamic Extremist Movements: The Role of Islamic Financial Institutions</i> , CIA_000720-804	33, 40, 42, 132, 135, 153, 276, 278, 541, 543, 559, 561, 567	• Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading).	This Court has previously rejected similar arguments advanced by defendant Dubai Islamic Bank that declassified CIA reports relied upon by Plaintiffs in an averment of facts and evidence are inadmissible hearsay. See March 9, 2023 Memorandum Decision and Order (ECF No. 8911) at 12-13 ("III. The CIA Files Are

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				<p>Admissible"). The Court held that declassified CIA reports are trustworthy because "(1) they represent timely investigations; (2) the CIA analysts and officials who drafted and approved the reports have special skills and experience in counterterrorism; (3) officials held hearings (at least by the 9/11 Commission) regarding the intelligence conveyed in the documents; and (4) the CIA authors display impartiality." <i>See</i> ECF No. 8911 at 12.</p> <p>Even Defendant Saudi Arabia, who oversees the banking activity of ARB through the Saudi Arabia Monetary Authority itself has taken the position in this litigation that the Court can and should give weight to the findings of the CIA, as well as the 9/11 Commission, and FBI. <i>See</i> ECF No. 3668 at 20-22 (Saudi Arabia characterizing reports by the 9/11 Commission, FBI, and CIA are "competent evidence"). Indeed, Saudi Arabia has taken the position that the findings of the 9/11 Commission Report "are trustworthy and admissible," <i>id.</i> at 21, and further asserted that "the trustworthiness of those findings have been reinforced by the later findings of the FBI, [and] the CIA." <i>Id.</i> at 22. <i>See also</i> ECF No. 3851 at 15 (Saudi Arabia asserting that the 9/11 Commission Report and the December 2004 Joint FBI-CIA Assessment are "competent evidence" and</p>

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				<p>admissible under the Federal Rules of Evidence, and there is “no reason to doubt the trustworthiness of the FBI and CIA.”).</p> <p>Equally important, the 9/11 Commission, which the defendant has consistently cited as a reliable and admissible investigation, relied extensively on CIA intelligence reports in forming their opinions and conclusions. Many of the CIA reports cited in Plaintiffs' Corrected Averment at ECF No. 9764 (which ARB argues are inadmissible) are cited in the 9/11 Report endnotes. Indeed, the CIA report at Plaintiffs' Ex. 9 is identified in Endnote 84 at p. 504, to Chapter 6.2 (“Post-Crisis Reflection: Agenda for 2000”). ARB cannot credibly argue that the findings of the 9/11 Commission are trustworthy and admissible, while simultaneously asserting that the CIA reports the Commission and staff relied upon in making its findings are inadmissible hearsay and should be excluded.</p> <p>Plaintiffs are producing business records certifications received from the Central Intelligence Agency (“CIA”) and Federal Bureau of Investigation (“FBI”) concerning documents received from those agencies in response to subpoenas issued by the Plaintiffs in this litigation, and which are cited in Plaintiffs'</p>

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				<p>Corrected Averment (ECF No. 9764). <i>See</i> Declaration of J. Scott Tarbutton Transmitting Documents in Support of Plaintiffs' Opposition to Defendant Al Rajhi Bank's Renewed Motion to Dismiss. The Department of Justice ("DOJ") has been working with FBI and the Treasury Department to obtain additional certifications to address other FBI and Treasury documents cited in the Corrected Averment that are not covered by the prior certifications. However, due to the extensive work over the past several weeks relating to the sealing dispute, which was the subject of the July 17, 2024 hearing before Judge Daniels, the DOJ has informed Plaintiffs that it will be a bit longer before they can provide us with the FBI and Treasury certifications. Plaintiffs will submit those certifications to the Court and counsel for ARB upon receipt.</p> <p>Further, Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by</p>

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				<p>someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.”</p> <p>803(8)(A)(iii); hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 607, 613 and 806. And such can be affirmative evidence to the extent the lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a</p>

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				lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c)
10	CIA Report, <i>Al Rajhi Bank: Conduit for Extremist Finance</i> , May 28, 2003, CIA-SUB 0001-6.	34, 137, 178, 182, 189, 190	• Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading).	Although not specifically cited in the 9/11 Endnotes, this report is admissible for the reasons asserted above in Plaintiff's Response for Ex. 9.
11	CIA Report, <i>Islamic Banking: A Potential Economic Enabler in the Muslim World</i> , May 21, 2004, CIA- SUB 0020-30	34, 137, 185	• Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading).	Although not specifically cited in the 9/11 Endnotes, this report is admissible for the reasons asserted above in Plaintiff's Response for Ex. 9
12	January 12, 2024 Transcript of the Deposition of Jonathan M. Winer	39, 142	• Should be excluded to the extent expert testimony is used as a conduit for inadmissible hearsay (<i>see</i> Fed. R. Evid. 802) and to the extent expert is not qualified to offer opinion (<i>see</i> Fed. R. Evid. 702).	Expert opinion is admissible under Rule 702 as his opinion was reliable and he is qualified to offer opinion on the topics he discussed. Per Rule 703 and 803(18) experts are permitted to rely on hearsay. Statements mentioned are not hearsay and are admissible under Rule 801(d)(2)(A)-(E) as statements by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses

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				to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). Proper summary evidence under Rule 1006.

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
13	Abdullah al Rajhi Exhibit 50 – SAAR Charitable Foundation Webpage	40, 41	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid. 802.</i> 	<p>Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial</p>

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				as needed by admissible evidence. Fed. R. Civ. P. 56(c). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Proper summary evidence. Rule 1006. And not hearsay since not offered not for the truth of the matter, (e.g., motive, notice).
14	Abdullah al Rajhi Exhibit 56 – Letter from [REDACTED] (NL 9625)	41, 43, 52, 406, 407, 408, 409, 410, 411, 412	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule

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				<p>804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 607, 613 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
15	August 24, 1999 letter from Abdullah bin Ibrahim Al Misfer to the Executive Director of "Islamic Call at Universities," in Garden Grove, California (NL 9623)	43, 113	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing charity work that has no link to Al Qaeda. <i>See</i> Fed. R. Evid. 403. 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters "observed while under a legal duty to report" (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for "factual findings from a legally authorized investigation." 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result. Residual Hearsay

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				<p>Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 607, 613 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
16	October 14, 2001 letter from Suleiman Bin Abdul Aziz Al Rajhi Charitable Foundation "General Supervisor" Abdul Rahman bin Abdullah al Rajhi to WAMY Secretary General Maneh al Johani (WAMYSA 102829)	43	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid. 802.</i> • Lacks authentication. <i>See Fed. R. Evid. 901.</i> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing charity work that has no link to Al Qaeda. <i>See Fed. R. Evid. 403.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters "observed while under a legal duty to report" (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for "factual findings from a legally authorized investigation." 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating</p>

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				<p>evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 607, 613 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
17	June 17, 2002 letter from Suleiman Bin Abdul Aziz Al Rajhi Charitable Foundation "Secretary General" Abdul Rahman bin Abdullah al Rajhi to WAMY Secretary General Maneh al Johani (WAMYSA 502115)	43	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid. 802.</i> • Lacks authentication. <i>See Fed. R. Evid. 901.</i> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing charity work that has no link to Al Qaeda. <i>See Fed. R. Evid. 403.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters "observed while under a legal duty to report" (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for "factual findings from a legally authorized investigation." 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result. Residual Hearsay</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
18	Abdullah al Rajhi Exhibit 63 – May 30, 1995 letter from the Assistant Director of IIRO-Tanzania Office to the Chief of Protocol, Ministry of Foreign Affairs, Dar es Salaam (IIRO 315040)	44	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid. 802.</i> • Lacks authentication. <i>See Fed. R. Evid. 901.</i> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing charity work that has no link to Al Qaeda. <i>See Fed. R. Evid. 403.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
19	The SAAR Foundation, Inc., Articles of Incorporation (PEC-BARZ 13145-13160)	45	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply:</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
			<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) formatters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness and did so intending that result. Residual Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607, and 806. And can be affirmative evidence to the extent the stated lie shows consciousness of guilt. And not hearsay</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
20	SAAR Foundation, Inc., Commonwealth of Virginia, State Corporation Commission, 1984 Annual Report (PEC-BARZ 11521)	45	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) formatters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.”</p> <p>803(8)(A)(iii); Statements in Learned Treatises, Periodicals, or Pamphlets.</p> <p>Rule 803(18); 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result. Residual Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607, and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
21	1987 SAAR Foundation, Inc. Form 990 (NL 693-713)	45	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any</p>

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			<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(A)(ii) formatters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(A)(iii); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result. Residual Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>ARB witnesses. Rule 613, 607, and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
22	SAAR Foundation, Inc. Annual Reports (1996-2000) (PEC-BARZ 13117-13127	45	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) formatters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Statements in Learned Treatises, Periodicals, or</p>

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				Pamphlets. Rule 803(18); 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result. Residual Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607, and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).

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				Satisfies Rule 901 and would be authenticated as needed at trial.
23	2000 SAAR Foundation, Inc. Form 990 (PEC-BARZ 12025-12041)	45	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) formatters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result. Residual Residual Hearsay</p>

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				<p>Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
24	Sana-Bell, Inc. Articles of Incorporation (SANA-BELL 0001-10)	46, 395, 554	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any</p>

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			<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) formatters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.”</p> <p>803(8)(A)(iii); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result. Residual Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs’</p>

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				<p>expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
25	Abdullah al Rajhi Exhibit 57 – SAAR Foundation, Inc. Annual Reports (1991-1994)	47, 396	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public</p>

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				Records Exception 803(8)(A)(ii) formatters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result. Residual Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative

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				<p>evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
26	Lormel Exhibit 9 – Joint FBI/CIA Intelligence Report, <i>Assessment of Saudi Arabian Support to Terrorism and the Counterintelligence Threat to the United States</i> , December 2004 (EO14040 3414-3442)	48, 71, 110, 119, 393, 398, 474	<ul style="list-style-type: none"> • Hearsay to which no exception applies given heavy redactions, lack of sourcing, and hearsay within hearsay. <i>See</i> Fed. R. Evid 802. • Should be excluded under Rule 403 for unfair prejudice for attempting to impute liability through guilt-by-association. <i>See</i> Fed. R. Evid. 403. 	<p>This Court has previously rejected similar arguments advanced by defendant Dubai Islamic Bank that declassified CIA reports relied upon by Plaintiffs in an averment of facts and evidence are inadmissible hearsay. <i>See</i> March 9, 2023 Memorandum Decision and Order (ECF No. 8911) at 12-13 (“III. The CIA Files Are Admissible”). The Court held that declassified CIA reports are trustworthy because “(1) they represent timely investigations; (2) the CIA analysts and officials who drafted and approved the reports have special skills and experience in counterterrorism; (3) officials held hearings (at least by the 9/11 Commission) regarding the intelligence conveyed in the documents; and (4) the CIA authors display impartiality.” <i>See</i> ECF No. 8911 at 12.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>Even Defendant Saudi Arabia, who oversees the banking activity of ARB through the Saudi Arabia Monetary Authority itself has taken the position in this litigation that the Court can and should give weight to the findings of the CIA, as well as the 9/11 Commission, and FBI. <i>See</i> ECF No. 3668 at 20-22 (Saudi Arabia characterizing reports by the 9/11 Commission, FBI, and CIA are “competent evidence”). Indeed, Saudi Arabia has taken the position that the findings of the 9/11 Commission Report “are trustworthy and admissible,” <i>id.</i> at 21, and further asserted that “the trustworthiness of those findings have been reinforced by the later findings of the FBI, [and] the CIA.” <i>Id.</i> at 22. <i>See also</i> ECF No. 3851 at 15 (Saudi Arabia asserting that the 9/11 Commission Report and the December 2004 Joint FBI-CIA Assessment are “competent evidence” and admissible under the Federal Rules of Evidence, and there is “no reason to doubt the trustworthiness of the FBI and CIA.”).</p> <p>Equally important, the 9/11 Commission, which the defendant has consistently cited as a reliable and admissible investigation, relied extensively on CIA intelligence reports in forming their opinions and conclusions. Many of the CIA reports cited in Plaintiffs' Corrected Averment at</p>

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				<p>ECF No. 9764 (which ARB argues are inadmissible) are cited in the 9/11 Report endnotes. Indeed, the CIA report at Plaintiffs' Ex. 9 is identified in Endnote 84 at p. 504, to Chapter 6.2 ("Post-Crisis Reflection: Agenda for 2000"). ARB cannot credibly argue that the findings of the 9/11 Commission are trustworthy and admissible, while simultaneously asserting that the CIA reports the Commission and staff relied upon in making its findings are inadmissible hearsay and should be excluded.</p> <p>Further, Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters "observed while under a legal duty to report" (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for "factual findings from a legally</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>authorized investigation.” 803(8)(A)(iii); hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 607, 613 and 806. And such can be affirmative evidence to the extent the lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial,</p>

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				<p>will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Lastly, with respect to the allegation the document is too heavy on redaction and sourcing, please see the expert report and testimony of Jonathan Winer, who explains the rigorous process undertaken to create these reports, offers evidence that they were prepared for senior U.S. policymakers, and presents facts corroborating the key assessments as to ARB and its principals.</p>
27	Affidavit of David Kane (FED-PEC 1243-1369)	49, 394, 398, 400, 401	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts.</p> <p>Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607, and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p>
28	John Mintz & Tom Jackman, <i>Finances Prompted Raids on</i>	49	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. 	<p>Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under</p>

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	<i>Muslims</i> , The Washington Post, March 23, 2002			Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Ancient Documents Exception to the extent prepared prior to January 1, 1998. Rule 803(16); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be

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				proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c).
29	Galloway Exhibit 22 – October 18, 1999 letter from Suleiman al Rajhi to [REDACTED] (NL 15578, 15043-15046)	50, 249, 405, 408, 409, 412, 415, 416, 418, 419, 420, 421, 422, 424, 426, 473, 552, 560	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>intending that result. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
30	October 26, 1999 email from [REDACTED] to Abdullah al Rajhi (NL 20470)	51	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply:</p>

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			<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs’</p>

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				<p>expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
31	November 3, 1999 email from Abdullah al Rajhi to [REDACTED] (NL 20452)	51	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters "observed while under a legal duty to report" (exclusion for law</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows

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				<p>consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
32	November 3-4, 1999 email exchanges between [REDACTED] and Bushra Ahmed (on behalf of Abdullah al Rajhi) (NL 20453)	51	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the</p>

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				subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607, and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other).

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
33	November 22, 1999 email from [REDACTED] to Abdullah al Rajhi (NL 15048)	51	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>

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34	June 22, 2000 email from [REDACTED] to Abdullah al Rajhi (NL 15551)	51,414	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result. Residual Hearsay Exception 807 when the statement is</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
35	October 31, 2000 email from [REDACTED] to Abdullah al Rajhi (NL 15572)	51,414	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other

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				<p>similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
36	November 9, 2000 fax from [REDACTED] to Abdullah al Rajhi (NL 15573-15576)	51,414	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters "observed while under a legal duty to report" (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>“factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
37	February 14, 2001 email from [REDACTED] to Abdullah al Rajhi (NL 15042)	51,414	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
38	Pasley Exhibit 4, Expert Report of Evan F. Kohlmann, October 4, 2023	53, 55, 61, 64, 65, 66, 68, 71, 73, 74, 112, 113, 115, 116, 122, 124, 132, 143, 159, 161, 210, 216, 217, 226, 235, 238, 240, 242, 245, 246, 290, 421, 423, 502, 539, 546, 553, 560, 562, 567, 568, 574	<ul style="list-style-type: none"> • Expert is not qualified to offer opinion on Saudi Banking regulations, Saudi Culture, Islamic Charities, or designations. <i>See Fed. R. Evid. 702.</i> • Expert's opinion does not reflect a reliable application of the methods used to the facts of the case. <i>See Fed. R. Evid. 702.</i> • Should be excluded to the extent expert testimony is used as a conduit for hearsay to which no exception applies (e.g., Kane Aff., NL docs, Golden Chain). <i>See Fed. R. Evid. 802.</i> • Should be excluded as needless presentation of cumulative evidence. <i>See Fed. R. Evid. 403.</i> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for 	<p>Expert opinion is admissible under Rule 702 as his opinion was reliable and qualified to offer opinion on the topics at issue.</p> <p>Per Rule 703 and 803(18) experts are permitted to rely on hearsay. Statements mentioned are not hearsay and are admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply:</p> <p>Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
			discussing charity work and routine banking services that has no link to Al Qaeda, discussing attacks and theaters not at issue in this litigation, and for attempting to impute liability through guilt-by-association. <i>See Fed. R. Evid. 403.</i>	impeachment and to undermine credibility of ARB witnesses. Rule 613 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). Proper summary evidence under Rule 1006.
				Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and does not needlessly present cumulative evidence.
39	Declaration of Evan F. Kohlmann, March 6, 2024	53	n/a	n/a
40	Lormel Exhibit 15 – 9/11 Commission Final Report	53, 54, 56, 58, 59, 60, 61, 65, 66, 67, 139, 140, 158, 224, 438, 461	n/a	n/a
41	Dean Exhibit 4 – Government's Evidentiary Proffer, <i>U.S. v. Enaam M. Arnaout</i> , January 6, 2003	59, 122	• Hearsay to which no exception applies. <i>See United States v. Arnaout</i> , 2003 WL 255226 (N.D. Ill. Feb. 4,	Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
			<p>2003); In Re Terrorist Attacks on September 11, 2001, 349 F. Supp. 2d 765 (S.D.N.Y. 2005); <i>see also</i> Fed. R. Evid 802.</p> <ul style="list-style-type: none"> • Lack of personal knowledge. <i>See</i> Fed. R. Evid. 602. • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing conduct that is not sufficiently similar to the conduct at issue and not related to the attacks at issue in this litigation. <i>See</i> Fed. R. Evid. 403. 	<p>statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Ancient Documents Exception to the extent prepared prior to January 1, 1998. Rule 803(16); hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607,</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt 804(b)(3)(A) makes a statement against his own interest. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence. To the extent needed, satisfies Rule 602.</p>
42	Jamal al Fadl Statements regarding Wa'el Jelaidan, Golden Chain, August 29, 2002 (PEC-KSA000329-352)	59, 68, 126	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. • Lack of personal knowledge. <i>See</i> Fed. R. Evid. 602. 	<p>Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Ancient Documents Exception to the extent prepared prior to January 1, 1998. Rule 803(16); hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607, and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence. To the extent needed, satisfies Rule 602.
43	Dean Exhibit 5 – Islamic International Brigade (IIB), U.N. Designation	59	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid. 802.</i> • Lacks authentication. <i>See Fed. R. Evid. 901.</i> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing attacks and organizations that are not at issue in this litigation. <i>See Fed. R. Evid. 403.</i> 	<p>Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); hearsay is reasonably</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Proper summary evidence. Rule 1006. And not hearsay since not offered not for the truth of the matter, (e.g., motive, notice).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				Satisfies Rule 901 and would be authenticated as needed at trial.
44	Lormel Exhibit 12 – 9/11 Commission Staff Monograph on Terrorist Financing	63, 64, 70, 74, 201	n/a	n/a
45	CIA Report, <i>Saudi-Based Financial Support for Terrorist Organizations</i> , November 14, 2002, CIA_000143-158	64, 66, 104, 123, 127, 129, 135, 174, 221, 246, 540	• Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading).	Plaintiffs repeat the response cited for Ex. 9. Further, this CIA report is identified in Endnote 77 at p. 470, to Chapter 2.5 (“Al Qaeda’s Renewal in Afghanistan (1996-1998)”; and identified in Endnote 115 at p. 498, to Chapter 5.4 (“A Money Trail?”).
46	CIA Report, <i>Identifying Al Qa’ida’s Donors and Fundraisers: A Status Report</i> , February 27, 2002, CIA_000193-199	64, 135, 165, 539, 547	• Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading).	Not cited specifically in the 9/11 Endnotes, but admissible for the reasons asserted above for the response Plaintiffs provided for Ex. 9.
47	CIA Report, <i>Spectrum of Al-Qa’ida’s Donors</i> , October 30, 2003, CIA_000659-667	64	• Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading).	Not cited specifically in the 9/11 Endnotes, but admissible for the reasons asserted above for the response Plaintiffs provided for Ex. 9.

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
48	Lormel Exhibit 18 – June 2, 2005 Al Haramain Islamic Foundation Designation	71, 73, 75, 205, 235	n/a	n/a
49	September 6, 2002 Wa’el Hamza Jelaidan Designation	71, 122, 124, 226	n/a	n/a
50	September 9, 2004 Al Haramain Islamic Foundation Designation	71, 73, 112, 238, 484	n/a	n/a
51	FBI Report, <i>Connections to the Attacks of Sept. 11, 2001</i> (EO14040 3478-3608-UPDATED)	72, 106, 474, 477, 480	<ul style="list-style-type: none"> • Hearsay to which no exception applies given heavy redactions, lack of sourcing, and hearsay within hearsay. <i>See Fed. R. Evid 802.</i> • Should be excluded under Rule 403 for unfair prejudice for attempting to impute liability through guilt-by-association. <i>See Fed. R. Evid. 403.</i> 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter,

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				<p>(e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Lastly, with respect to the allegation the document is too heavy on redaction and sourcing, please see the expert report and testimony of Jonathan Winer, who explains the rigorous process undertaken to create these reports, offers evidence that they were prepared for senior U.S. policymakers, and presents facts corroborating the key assessments as to ARB and its principals.</p>
52	Treasury Memorandum – Al-Haramayn Islamic Foundation Bosnia-	72, 77	<ul style="list-style-type: none"> • Hearsay to which no exception applies given heavy redactions, lack of sourcing, and hearsay within 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or

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	Herzegovina, TREASURY00009-11		<p>hearsay. <i>See</i> Fed. R. Evid 802.</p> <ul style="list-style-type: none"> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing attacks and theatres not at issue in this litigation and for descriptions of charity branches allegedly engaging in extremism with no connection to Al Rajhi Bank. <i>See</i> Fed. R. Evid 403. 	<p>authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point</p>

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				<p>than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Lastly, with respect to the allegation the document is too heavy on redaction and sourcing, please see the expert report and testimony of Jonathan Winer, who explains the rigorous process undertaken to create these reports, offers evidence that they were prepared</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				for senior U.S. policymakers, and presents facts corroborating the key assessments as to ARB and its principals.
53	Treasury Memorandum – Al-Haramayn Islamic Foundation, Somalia, TREASURY00030-36	72, 85	<ul style="list-style-type: none"> • Hearsay to which no exception applies given heavy redactions, lack of sourcing, and hearsay within hearsay. <i>See Fed. R. Evid 802.</i> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing attacks and theatres not at issue in this litigation and for descriptions of charity branches allegedly engaging in extremism with no connection to Al Rajhi Bank. <i>See Fed. R. Evid 403.</i> 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case,</p>

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				<p>as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Lastly, with respect to the allegation the document is too heavy on redaction and sourcing, please see the expert report and testimony of Jonathan Winer, who explains the rigorous process undertaken to create these reports, offers evidence that they were prepared for senior U.S. policymakers, and presents facts corroborating the key assessments as to ARB and its principals.</p>
54	CIA Report, <i>How Bin Laden Commands a Global Terrorist Network</i> , January 27, 1999, CIA_000002-16	72, 94	<ul style="list-style-type: none"> • Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading). 	<p>Plaintiffs repeat the response they provided for Ex. 9. Further, this CIA report is identified in Endnote 118 at p. 498, to Chapter 5.4 ("A Money Trail?"), and identified in Endnote 86 at p. 504, to Chapter 6.2 ("Post-Crisis Reflection: Agenda or 2000").</p>
55	CIA Report, <i>Islamic Terrorists: Using Nongovernmental Organizations Extensively</i> , April 9, 1999, CIA_000210-236	72, 95, 135, 151	<ul style="list-style-type: none"> • Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading). 	<p>Plaintiffs repeat the response they provided for Ex. 9. Further, this CIA report is identified in Endnote 86 at p. 504, to Chapter 6.2 ("Post-Crisis Reflection: Agenda or 2000").</p>

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56	March 11, 2002 Al Haramain Islamic Foundation Designation	73	n/a	n/a
57	January 22, 2004 Al Haramain Islamic Foundation Designation	73	n/a	n/a
58	Pasley Exhibit 8 – SAMA Guidelines for Prevention of Money Laundering (1995)	281, 284, 297, 298, 299, 300, 301, 356, 370, 376, 379, 380, 385	n/a	n/a
59	Abdullah al Rajhi Exhibit 33 – ARB 39945-39946	319	n/a	n/a
60	Abdullah al Rajhi Exhibit 27 – June 19, 2008 Al Haramain Islamic Foundation Designation	73	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid 802.</i> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues in its descriptions of charities and charity branches allegedly engaged in extremism with no 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal

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			connection to Al Rajhi Bank. <i>See Fed. R. Evid 403.</i>	duty to report" (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for "factual findings from a legally authorized investigation." 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p>
61	Treasury Memorandum – <i>Designation of Al-Haramain Foundation, Pakistan,</i> TREASURY00012-16	79	<ul style="list-style-type: none"> • Hearsay to which no exception applies given heavy redactions, lack of sourcing, and hearsay within hearsay. <i>See</i> Fed. R. Evid 802. • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing attacks and theatres not at issue in this 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
			litigation and for descriptions of charity branches allegedly engaging in extremism with no connection to Al Rajhi Bank. <i>See</i> Fed. R. Evid 403.	enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows

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				<p>consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Lastly, with respect to the allegation the document is too heavy on redaction and sourcing, please see the expert report and testimony of Jonathan Winer, who explains the rigorous process undertaken to create these reports, offers evidence that they were prepared for senior U.S. policymakers, and presents facts corroborating the key assessments as to ARB and its principals.</p>
62	Treasury Memorandum – <i>Designation of Al-Haramain Foundation (AHF) branches in</i>	82, 108, 111, 235, 239	<ul style="list-style-type: none"> • Hearsay to which no exception applies given heavy redactions, lack of sourcing, and hearsay within 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is

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	<i>Afghanistan, Albania, Bangladesh, Ethiopia, and The Netherlands, and the AHF's leader Al-Aqil pursuant to the authorities of E.O. 13224,</i> TREASURY00017-29		<p>hearsay. <i>See</i> Fed. R. Evid 802.</p> <ul style="list-style-type: none"> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing attacks and theatres not at issue in this litigation and for descriptions of charity branches allegedly engaging in extremism with no connection to Al Rajhi Bank. <i>See</i> Fed. R. Evid 403. 	<p>hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point</p>

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				<p>than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial asneeded by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Lastly, with respect to the allegation the document is too heavy on redaction and sourcing, please see the expert report and testimony of Jonathan Winer, who explains the rigorous process undertaken to create these</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				reports, offers evidence that they were prepared for senior U.S. policymakers, and presents facts corroborating the key assessments as to ARB and its principals.
63	Treasury Memorandum – <i>Designation of Al-Haramain Foundation (AHF) locations in the United States, the Comoros Islands, and AHF official Soliman Al- Buthe pursuant to the authorities of E.O. 13224, TREASURY00037-54</i>	86, 110	<ul style="list-style-type: none"> • Hearsay to which no exception applies given heavy redactions, lack of sourcing, and hearsay within hearsay. <i>See Fed. R. Evid 802.</i> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing attacks and theatres not at issue in this litigation and for descriptions of charity branches allegedly engaging in extremism with no connection to Al Rajhi Bank. <i>See Fed. R. Evid 403.</i> 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that

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				<p>wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial asneeded by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case,</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Lastly, with respect to the allegation the document is too heavy on redaction and sourcing, please see the expert report and testimony of Jonathan Winer, who explains the rigorous process undertaken to create these reports, offers evidence that they were prepared for senior U.S. policymakers, and presents facts corroborating the key assessments as to ARB and its principals.</p>
64	<p>Treasury Memorandum – <i>Additional Designations</i></p> <p><i>Pursuant to E.O. 13224: Al-Haramain, Indonesia, TREASURY00087-92</i></p>	87	<ul style="list-style-type: none"> • Hearsay to which no exception applies given heavy redactions, lack of sourcing, and hearsay within hearsay. <i>See Fed. R. Evid 802.</i> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing attacks and theatres not at issue in this litigation and for descriptions of charity branches allegedly engaging in extremism with 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
			no connection to Al Rajhi Bank. <i>See</i> Fed. R. Evid 403.	“factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter,

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				<p>(e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence. Lastly, with respect to the allegation the document is too heavy on redaction and sourcing, please see the expert report and testimony of Jonathan Winer, who explains the rigorous process undertaken to create these reports, offers evidence that they were prepared for senior U.S. policymakers, and presents facts corroborating the key assessments as to ARB and its principals.</p>
65	Treasury Memorandum – <i>Additional Designations Pursuant to E.O. 13224: Al-Haramayn Kenya and Tanzania,</i> TREASURY00094-101	88	<ul style="list-style-type: none"> • Hearsay to which no exception applies given heavy redactions, lack of sourcing, and hearsay within hearsay. See Fed. R. Evid 802. 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply:

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			<ul style="list-style-type: none"> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing attacks and theatres not at issue in this litigation and for descriptions of charity branches allegedly engaging in extremism with no connection to Al Rajhi Bank. <i>See Fed. R. Evid 403.</i> 	<p>Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Lastly, with respect to the allegation the document is too heavy on redaction and sourcing, please see the expert report and testimony of Jonathan Winer, who explains the rigorous process undertaken to create these reports, offers evidence that they were prepared</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				for senior U.S. policymakers, and presents facts corroborating the key assessments as to ARB and its principals.
66	CIA Report, <i>Usama Bin Ladin: Some Saudi Financial Ties Probably Intact</i> , January 11, 1999, CIA_000807-848	92, 116, 125, 132, 135, 146, 147, 294, 487	• Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading).	Plaintiffs repeat the response cited for Ex. 9. Further, this CIA report is identified in Endnote 86 at p. 504, to Chapter 6.2 ("Post-Crisis Reflection: Agenda for 2000").
67	CIA Report, <i>Al Haramain, in Africa: Supporting Al-Ittihad Al-Islami and Other Terrorists</i> , March 22, 2002, CIA_000675-679	96, 109	• Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading).	Not specifically cited in the 9/11 Commission Endnotes, but admissible for the reasons asserted above including Plaintiffs' response for Ex. 9.
68	CIA Report, <i>Al-Qa'ida Still Well Positioned To Recruit Terrorists</i> , July 1, 2002, CIA_000178-189	99, 132	• Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading).	Plaintiffs repeat the response cited for Ex. 9. Further, this CIA report is identified in Endnote 78 at p. 470, to Chapter 2.5 ("Al Qaeda's Renewal in Afghanistan (1996-1998)").
69	CIA Report, <i>Al Haramain: Support for Extremists and</i>	100, 109, 137, 169, 339	• Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading).	Not specifically cited in the 9/11 Commission Endnotes, but admissible for the reasons asserted above including Plaintiffs' response for Ex. 9.

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
	<i>Terrorists</i> , August 28, 2002, CIA-SUB 0007-19			
70	Dean Exhibit 7 –Saudi White Paper – The Kingdom of Saudi Arabia and Counterterrorism	107	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid 802.</i> • Should be excluded under Rule 403 for unfair prejudice and confusing in its description of charities and charity branches allegedly engaging in extremism with no connection to Al Rajhi Bank. <i>See Fed. R. Evid 403.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Ancient Documents Exception to the extent prepared prior to January 1, 1998. Rule 803(16); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>evidence. Fed. R. Civ. P. 56(c). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p>
71	Affidavit in Support of Search Warrant, USDC for the District of Oregon, Case 6:05-cr-60008-AA	110	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid 802. • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for its description of charities and charity branches allegedly engaging in extremism with no connection to Al Rajhi Bank. <i>See</i> Fed. R. Evid 403. 	<p>Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Ancient Documents Exception to the extent prepared prior to January 1, 1998. Rule 803(16); hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case,</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.
72	David Crawford, <i>How a Diplomat From Saudi Arabia Spread His Faith</i> , Wall Street Journal, September 10, 2003	112, 426	<ul style="list-style-type: none"> • Hearsay to which no exception applies. See Fed. R. Evid 802. 	<p>Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Ancient Documents Exception to the extent prepared prior to January 1, 1998. Rule 803(16); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.
73	Al Jazirah, <i>The Al Haramain Islamic Foundation Launches a Donation Campaign for the Palestinians</i> , April 8, 2002; Al Minbar, <i>Achievements of the Al-Haramain Islamic Foundation's in Palestine</i>	113	• Hearsay to which no exception applies. See Fed. R. Evid 802.	Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Ancient Documents Exception to the extent prepared prior to January 1, 1998. Rule 803(16); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613 and 806. And can be

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.
74	U.S. Diplomatic Cable, <i>Terrorist Finance: Post-Vetting of Human Appeal</i> , February 13, 2007	115	<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. 	<p>Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters "observed while under a legal duty to report" (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for "factual findings from a legally authorized investigation." 803(8)(A)(iii); Ancient Documents Exception to the extent prepared prior to January 1, 1998. Rule 803(16); hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703.</p> <p>Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
75	<p>Treasury Memorandum – <i>Additional Designations Pursuant to E.O. 13224: Dr. Abd Al Hamid Sulaiman Al-Mujil and International Islamic Relief Organization Philippines and Indonesia Branches, TREASURY00102-121</i></p>	115, 117, 118, 240, 242, 246	<ul style="list-style-type: none"> • Hearsay to which no exception applies given heavy redactions, lack of sourcing, and hearsay within hearsay. <i>See</i> Fed. R. Evid 802. • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing attacks and theatres not at issue in this litigation and for descriptions of charity branches allegedly engaging in extremism with 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
			no connection to Al Rajhi Bank. <i>See</i> Fed. R. Evid 403.	authorized investigation." 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other).

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Lastly, with respect to the allegation the document is too heavy on redaction and sourcing, please see the expert report and testimony of Jonathan Winer, who explains the rigorous process undertaken to create these reports, offers evidence that they were prepared for senior U.S. policymakers, and presents facts corroborating the key assessments as to ARB and its principals.</p>
76	U.S. Diplomatic Cable, <i>Terrorist Finance: [REDACTED]</i> , June 2004, PEC-KSA 1464-1466	116	<ul style="list-style-type: none"> • Hearsay to which no exception applies. See Fed. R. Evid 802. • Should be excluded under Rule 403 for unfair prejudice and confusing the issues in its descriptions of charities 	<p>Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
			<p>and charity branches allegedly engaged in extremism with no connection to Al Rajhi Bank. <i>See Fed. R. Evid 403.</i></p>	<p>created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.”803(8)(A)(iii); Ancient Documents Exception to the extent prepared prior to January 1, 1998. Rule 803(16); hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703.</p> <p>Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.
77	1996 Central Intelligence Agency Report	116, 127	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid 802.</i> • Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading). • Lacks authentication. <i>See Fed. R. Evid. 901.</i> • Should be excluded under Rule 403 for unfair prejudice for describing charities and charity branches allegedly engaged in extremism with no connection to Al Rajhi Bank. <i>See Fed. R. Evid 403.</i> 	<p>Not specifically cited in the 9/11 Commission Endnotes, but admissible for the same reasons asserted above for the response that Plaintiffs provided for Ex. 9.</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
78	February 21, 2019 Transcript of the Deposition of Adnan Basha	120, 216, 217, 317	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid 802.</i> 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any

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			<ul style="list-style-type: none"> <li data-bbox="977 372 1349 470">• Lack of personal knowledge. <i>See</i> Fed. R. Evid. 602. <li data-bbox="977 509 1349 731">• Should be excluded under Rule 403 for unfair prejudice for discussing charity work and routine banking services that has no link to Al Qaeda. <i>See</i> Fed. R. Evid. 403. 	<p>of them. Even if it is hearsay, several exceptions apply: Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused —or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613 607, and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener,</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Testimony satisfies Rule 602.</p>
79	Treasury Memorandum – <i>Additional Designation Pursuant to E.O. 13224</i>	124	<ul style="list-style-type: none"> • Hearsay to which no exception applies given heavy redactions, lack of sourcing, and hearsay within hearsay. <i>See</i> Fed. R. Evid 802. • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing attacks and theatres not at issue in this litigation and for descriptions of charity branches allegedly 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
			engaging in extremism with no connection to Al Rajhi Bank. <i>See</i> Fed. R. Evid 403.	civil case); Public Records Exception for "factual findings from a legally authorized investigation." 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter,

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				<p>(e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Lastly, with respect to the allegation the document is too heavy on redaction and sourcing, please see the expert report and testimony of Jonathan Winer, who explains the rigorous process undertaken to create these reports, offers evidence that they were prepared for senior U.S. policymakers, and presents facts corroborating the key assessments as to ARB and its principals.</p>
80	CIA Report, <i>Usama Bin Ladin: Al-Qa'ida's Financial Facilitators</i> , October 18, 2001, CIA_000500-563	125, 226	<ul style="list-style-type: none"> • Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading). 	<p>See Plaintiffs' response to Ex. 9. Further, this CIA report is identified in Endnote 59 at p. 469, to Chapter 2.4 ("Building an Organization, Declaring War on the United States (1992-1996)").</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
81	Golden Chain, FED-PEC 134953-134955	126, 131, 226	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid 802.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply:</p> <p>Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge;</p> <p>Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii);</p> <p>Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).
82	Treasury Memorandum – <i>Designation Pursuant to E.O. 13224 of Yasin Al-Qadi</i> , TREASURY00055-86	127, 128, 425	• Hearsay to which no exception applies given heavy redactions, lack of sourcing, and hearsay within hearsay. See Fed. R. Evid 802.	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
			<ul style="list-style-type: none"> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for discussing attacks and theatres not at issue in this litigation and for descriptions of charity branches allegedly engaging in extremism with no connection to Al Rajhi Bank. <i>See Fed. R. Evid 403.</i> 	<p>business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. The statement</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Lastly, with respect to the allegation the document is too heavy on redaction and sourcing, please see the expert report and testimony of Jonathan Winer, who explains the rigorous process undertaken to create these reports, offers evidence that they were prepared for senior U.S. policymakers, and presents facts corroborating the key assessments as to ARB and its principals.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
83	November 29, 2001 letter from David D. Aufhauser, General Counsel	127	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid 802.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.”</p> <p>803(8)(A)(iii); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607, and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c).
84	June 2, 2004 Jamal al Fadl Cooperating Witness Interview	128, 487	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid 802. • Should be excluded under Rule 403 for confusing the issue and unfair prejudice for attempting to impute liability through guilt-by-association. <i>See</i> Fed. R. Evid. 403. 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2)

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				& (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p>
85	December 21, 2004 Adel Batterjee Designation	130, 221	n/a	n/a
86	Federal Register, Volume 86, No. 172, September 9, 2021, Executive Order 14040	133	n/a	n/a
87	March 29, 2022 email from Sarah Normand	134	n/a	n/a
88	April 1, 2022 Index of Documents Produced Pursuant to Section 2(b)(i) of E.O. 14040	134	• Improper summary exhibit. <i>See</i> Fed. R. Evid. 1006.	This index serves as a proper summary exhibit under Rule 1006 in that they contain material summarizing results of investigation or other information

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
89	CIA Report, <i>Al-Qa'ida in Sudan, 1992-96: Old School Ties Lead Down Dangerous Paths</i> , March 10, 2003, CIA_000038-52	135, 177	<ul style="list-style-type: none"> • Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading). 	<p>See Plaintiff's Response above with respect to Ex. 9. Further, this CIA report is identified in <u>Endnote 30</u> at p. 467, to Chapter 2.2 ("The Rise of Bin Ladin and Al Qaeda (1988-1992)"); identified in <u>Endnote 35</u> at p. 467, to Chapter 2.2 ("The Rise of Bin Ladin and Al Qaeda (1988-1992)"); identified in <u>Endnote 36</u> at p. 467, to Chapter 2.2 ("The Rise of Bin Ladin and Al Qaeda (1988-1992)"); identified in <u>Endnote 37</u> at p. 467, to Chapter 2.2 ("The Rise of Bin Ladin and Al Qaeda (1988-1992)"); identified in <u>Endnote 44</u> at p. 468, to Chapter 2.4 ("Building an Organization, Declaring War on the United States (1992-1996)"); identified in <u>Endnote 51</u> at p. 468, to Chapter 2.4 ("Building an Organization, Declaring War on the United States (1992-1996)"); identified in <u>Endnote 76</u> at p. 470, to Chapter 2.5 ("Al Qaeda's Renewal in Afghanistan (1996-1998)"); identified in <u>Endnote 80</u> at p. 470, to Chapter 2.5 ("Al Qaeda's Renewal in Afghanistan (1996-1998)").</p>
90	Winer Exhibit 2 - CIA Report, <i>Terrorism Finance: Custodial Interviews Providing Leads Into Al-Qa'ida Financial Network</i> ,	135	<ul style="list-style-type: none"> • Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading). 	<p>Not specifically cited in the 9/11 Commission Endnotes, but admissible for the reasons asserted above in Plaintiffs' response to Ex 9.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
	August 7, 2002, CIA 000306-315			
91	CIA Report, <i>Usama Bin Ladin's Finances: Some Estimates of Wealth, Income, and Expenditures</i> , November 17, 1998, CIA 000317-338	135, 144	• Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading).	See Plaintiffs' Response above with respect to Ex. 9. Further, this CIA report is identified in <u>Endnote 127</u> at pp. 498-499, to Chapter 5.4 ("A Money Trail?").
92	March 29, 2022 email from Sarah Normand	137	n/a	n/a
93	CIA Report, <i>Taibah: Linking Extremists in the Balkans and the United States</i> , December 12, 2002, CIA-SUB 0031-33	137,423	• Inadmissible hearsay, as noted in Resp. to Pls. Aver. Section VI (heading).	Not specifically cited in the 9/11 Commission Endnotes, but admissible for the reasons asserted above in Plaintiffs' response to Ex 9.
94	Glenn Simpson, <i>U.S. Tracks Saudi Bank Favored by Extremists</i> , Wall Street Journal, July 26, 2007	180 fn. 73	• Hearsay to which no exception applies. See Fed. R. Evid 802.	Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Ancient Documents Exception to the extent prepared prior to January 1, 1998. Rule 803(16); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				803(18); Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.
95	Pasley Exhibit 6 – U.S. Diplomatic Cable, <i>Joint Examination of Al Rajhi Bank</i> , November 25, 2004	184, 199, 200	<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. 	Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed”

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>while under a legal duty to report" (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for "factual findings from a legally authorized investigation."803(8)(A)(iii); Ancient Documents Exception to the extent prepared prior to January 1, 1998. Rule 803(16); hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
96	Hearing before the Committee on Governmental Affairs,	192	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid 802. 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents,

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
	United States Senate, <i>Terrorism Financing – Origination, Organization, and Prevention</i> , Testimony of R. Richard Newcomb, July 31, 2003			employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				credibility of ARB witnesses. Rule 613, 607, and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c).
97	Maktab al Khidamat, U.N. Designation	158	n/a	n/a
98	Abdullah al Rajhi Exhibit 31 – Al Haramain 94 Accounts	206, 207	<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. • Improper summary exhibit. <i>See</i> Fed. R. Evid. 1006. 	<p>Satisfies Rule 901 and would be authenticated as needed at trial.</p> <p>This index serves as a proper summary exhibit under Rule 1006 in that they contain material summarizing results of investigation or other information</p>
99	Lormel Exhibit 20 – Undated Al Haramain Islamic Foundation document identifying 15 ARB accounts for Committees associated with Al Haramain (ARB 38816)	210, 211, 314, 315	n/a	n/a
100	September 26, 1994 letter from the Director General	210, 313	n/a	n/a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
	of Al Haramain Islamic Foundation, Aqil al Aqil, to ARB concerning Al Haramain accounts at ARB (ARB 38534-38535)			
101	September 26, 1998 letter from the Deputy Minister of Islamic Affairs and General Supervisor of Al Haramain Islamic Foundation, Saleh al ash-Sheikh, to ARB concerning nine Al Haramain accounts at ARB (ARB 38998-39000)	210, 328, 332	n/a	n/a
102	Abdullah al Rajhi Exhibit 32 – International Islamic Relief Organization Accounts at Al Rajhi Bank (287)	213	<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. • Improper summary exhibit. <i>See</i> Fed. R. Evid. 1006. 	<p>Satisfies Rule 901 and would be authenticated as needed at trial.</p> <p>This index serves as a proper summary exhibit under Rule 1006 in that they contain material summarizing results of investigation or other information</p>
103	Declaration of Omar T. Mohammedi (ECF No. 4465)	219	<ul style="list-style-type: none"> • Inadmissible hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Should be excluded under Rule 403 for unfair prejudice 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB Arabia, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
			for discussing charity work that has no link to Al Qaeda. <i>See Fed. R. Evid. 403.</i>	exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused —or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result. Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). Testimony satisfies Rule 602.</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
104	Exhibit 19 to the Declaration of Omar T. Mohammedi (ECF No. 4465-19)	219	<ul style="list-style-type: none"> • Inadmissible hearsay to which no exception applies. <i>See Fed. R. Evid. 802.</i> • Should be excluded under Rule 403 for unfair prejudice for discussing charity work that has no link to Al Qaeda. <i>See Fed. R. Evid. 403.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB Arabia, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused —or acquiesced in wrongfully causing — the declarant’s</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>unavailability as a witness, and did so intending that result. Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.
105	Letter from WAMY Secretary General Maneh al Johani to ARB concerning WAMY accounts at ARB (WAMYSA 15516)	219	<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Should be excluded under Rule 403 for unfair prejudice for discussing charity work that has no link to Al Qaeda. <i>See</i> Fed. R. Evid. 403. 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				Satisfies Rule 901 and would be authenticated as needed at trial.
106	Declaration of Alshalan, Ibrahem Mohammd (ECF No. 4466)	220	<ul style="list-style-type: none"> • Inadmissible hearsay to which no exception applies. <i>See Fed. R. Evid 802.</i> • Should be excluded under Rule 403 for unfair prejudice for discussing charity work that has no link to Al Qaeda. <i>See Fed. R. Evid. 403.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB Arabia, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				ARB that wrongfully caused —or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result. Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c).

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.
107	Self-Supervisory Committee Meeting Notes (ARB 39582-39585)	221	n/a	n/a
108	Benevolence International Foundation (BIF), U.N. Designation	221	n/a	n/a
109	Wa'el Hamza Jelaidan's ARB Account Statement (ARB 974-1019)	224, 225	n/a	n/a
110	Wa'el Hamza Jelaidan's ARB Account Statement (ARB 1183-1216)	224	n/a	n/a
111	Wa'el Hamza Jelaidan's ARB Account Statement (ARB 1217-1226)	224	n/a	n/a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
112	November 27, 2002 Letter from ARB's Director of Legal Affairs Division to SAMA concerning reported accounts and statements of the accounts (ARB 14464-14466)	224	n/a	n/a
113	Federal Office of Criminal Investigation, Report Concerning the Third World Relief Agency ("TWRA")	224, 438, 462	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid 802.</i> • Should be excluded under Rule 403 for unfair prejudice and confusing the issue for presenting evidence of conduct that is not sufficiently similar to the conduct at issue and discussing transactions outside the relevant period. <i>See Fed. R. Evid 403.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply:</p> <p>Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge;</p> <p>Public Records Exception 803(8)(A)(ii) for matters "observed while under a legal duty to report" (exclusion for law enforcement reports do not apply in a civil case);</p> <p>Public Records Exception for "factual findings from a legally authorized investigation." 803(8)(A)(iii);</p> <p>Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.
114	Aqil al Aqil's ARB Account Statement (ARB 41454-41463)	227, 228, 230, 335, 336, 347, 348, 353	n/a	n/a
115	Aqil al Aqil's ARB Account Statement (ARB 41464-41501)	227, 228, 253, 260, 261	n/a	n/a
116	Aqil al Aqil's ARB Account Statement (ARB 41502-41503)	227	n/a	n/a
117	Aqil al Aqil's ARB Account Statement (ARB 41506-41507)	227	n/a	n/a
118	Plaintiffs' Tranche 21 ARB Account Statements Summary	227, 229, 231, 239, 253	<ul style="list-style-type: none"> • Lacks authentication. <i>See Fed. R. Evid. 901.</i> • Improper summary exhibit. <i>See Fed. R. Evid. 1006.</i> 	<p>Satisfies Rule 901 and would be authenticated as needed at trial.</p> <p>This index serves as a proper summary exhibit under Rule 1006 in that they contain material summarizing results of investigation or other information</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
119	Abd al Hamid al Sulaiman al Mujil's ARB Account Statement (ARB 745-787)	241,342	n/a	n/a
120	Abd al Hamid al Sulaiman al Mujil's ARB Account Statement (ARB 788-810)	241	n/a	n/a
121	Mohammed Jamal Khalifa's ARB Account Records (ARB 1098-1105)	243, 244	n/a	n/a
122	Suleiman Bin Abdul Aziz Al Rajhi Charitable Foundation's ARB Account Statements (ARB 38079-38107 and ARB 39948-39959)	249	n/a	n/a
123	Suleiman Bin Abdul Aziz Al Rajhi Charitable Foundation's ARB Account Transaction Record (ARB 39960)	249	n/a	n/a
124	Suleiman Bin Abdul Aziz Al Rajhi Charitable Foundation's ARB Account	249	n/a	n/a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
	Transaction Record (ARB 39961)			
125	Suleiman Bin Abdul Aziz Al Rajhi Charitable Foundation's ARB Account Statement (ARB 42183-42184)	249	n/a	n/a
126	Suleiman Bin Abdul Aziz Al Rajhi Charitable Foundation's ARB Account Statement (ARB 42179-42180)	249	n/a	n/a
127	Suleiman Bin Abdul Aziz Al Rajhi Charitable Foundation's ARB Account Statement (ARB 42181-42182)	249	n/a	n/a
128	Checks to Al Haramain Islamic Foundation signed by Suleiman al Rajhi (NL 10086, 10088, 10094, 10245)	250, 418	<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				someone with knowledge; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. General policy in favor of admissibility especially in bench trials rather than a lay jury trial.

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
129	Abdul Rahman al Rajhi's ARB Account Statement (ARB 40860-41153)	253, 256, 258, 572	n/a	n/a
130	Abdul Rahman al Rajhi and Saleh al Habdan's Joint ARB Account Statement (ARB 41176-41184)	253	n/a	n/a
131	Abdul Rahman al Rajhi's ARB Account Statement (ARB 41185-41278)	253	n/a	n/a
132	Abdul Rahman al Rajhi and Saleh al Habdan's Joint ARB Account Statement (ARB 42185-42186)	253	n/a	n/a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
133	Abdul Rahman al Rajhi's ARB Account Statement (ARB 42187-42188)	253	n/a	n/a
134	Saleh al Habdan's ARB Account Statement (ARB 41668-41720)	253, 569	n/a	n/a
135	Abdullah al Ibrahim al Misfer's ARB Account Statement (ARB 41441-41442)	253	n/a	n/a
136	Abdel Rahman al Aqil and Abdullah al Ibrahim al Misfer's Joint ARB Account Statement (ARB 41279-41283)	253	n/a	n/a
137	Federal Deposit Insurance Corporation (FDIC) Guidelines on Use of Payable Through Accounts, March 30, 1995	433	n/a	n/a
138	Documents produced by JP Morgan Chase Bank in response to Plaintiffs' subpoena concerning	439	n/a	n/a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
	ARB's Payable Through Account with Chase Manhattan Bank (JMPC 001-228)			
139	August 25, 2001 letter from the IIRO's Director of Health Care Division to the Director of IIRO-Pakistan concerning payment to the MWL via ARB's Payable Through Account with Chase Manhattan Bank (IIRO 109118-109119)	453, 486	<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>consciousness of guilt. General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
140	Mar-Jac Poultry Litigation Exhibits	400, 401	<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Should be excluded under Rule 403 for unfair prejudice and confusing the issue for discussing routine banking services and attempting to impute guilt-by-association. <i>See</i> Fed. R. Evid. 403. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest;</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts.</p> <p>Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607, and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
141	Check payments from Abdul Rahman al Rajhi via ARB's Payable Through Account with Chase Manhattan Bank (NL 10447, NL 10455, NL 10456, NL 10457, NL 10458, NL 10460, NL 10462, NL 10463, NL 10464, NL 10466, NL 10467, NL 10470, NL 10471, NL 10472, NL 10473, NL 10474, NL 10475, NL 10483, NL 10485, NL 10491)	467, 469, 480	<ul style="list-style-type: none"> Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	Satisfies Rule 901 and would be authenticated as needed at trial.
142	Check payment from Abdul Rahman al Rajhi to Khaled Bin Ibrahim Al-Swailem via ARB's Payable	472	<ul style="list-style-type: none"> Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	Satisfies Rule 901 and would be authenticated as needed at trial.

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
	Through Account with Chase Manhattan Bank (NL 10485)			
143	Check payment to Khaled I. Al-Sowailim via ARB's Payable Through Account with Chase Manhattan Bank (KSA 1685)	473	• Lacks authentication. <i>See Fed. R. Evid. 901.</i>	Satisfies Rule 901 and would be authenticated as needed at trial.
144	Check payment to Khaled I. Al-Sowailim via ARB's Payable Through Account with Chase Manhattan Bank (KSA 1687)	473	• Lacks authentication. <i>See Fed. R. Evid. 901.</i>	Satisfies Rule 901 and would be authenticated as needed at trial.
145	October 31, 2000 email from [REDACTED] to Abdullah al Rajhi (NL 15572)	408, 409, 412, 473	• Lacks authentication. <i>See Fed. R. Evid. 901.</i> • Hearsay to which no exception applies. <i>See Fed. R. Evid. 802.</i>	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. 804(b)(3)(A) makes a statement against his own interest. General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
146	ARB "Outward Payment Order" of \$25,000.00 to the "Royal Embassy of Saudi Arabia IFTA #5" (NL 10468)	473	<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>evidence to the extent lie shows consciousness of guilt. General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
147	2012 FBI Summary Report (ECF No. 6292-1)	475	<ul style="list-style-type: none"> • Hearsay to which no exception applies given heavy redactions, lack of sourcing, and hearsay within hearsay. <i>See</i> Fed. R. Evid. 802. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				for "factual findings from a legally authorized investigation." 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p> <p>Lastly, with respect to the allegation the document is too heavy on redaction and sourcing, please see the expert report and testimony of Jonathan Winer, who explains the rigorous process undertaken to create these reports, offers evidence that they were prepared for senior U.S. policymakers, and presents facts corroborating the key assessments as to ARB and its principals.</p>
148	Financial transactions associated with Soliman al Buthe via ARB's Payable Through Account at Chase Manhattan Bank (ARB 39154, 39156, 39158, 39160, 39162, 39164)	482, 285	n/a	n/a
149	Transcript of the August 22, 2007 Proceedings in the matter of <i>USA v. Pirouz</i>	485	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents,

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
	<i>Sedaghtay</i> , Case 6:05-cr-60008-AA		<ul style="list-style-type: none"> • Should be excluded under Rule 403 for confusing the issue and unfair prejudice to the extent Plaintiffs attempt to impute liability through connections with individuals. <i>See Fed. R. Evid. 403.</i> 	<p>employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
150	IIRO-Health's ARB Account Statement (ARB 2477-2572)	486	n/a	n/a
151	IIRO correspondence concerning the Fatima al Zahraa Hospital, October-November 1994 (IIRO 215526-215529)	487	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				Satisfies Rule 901 and would be authenticated as needed at trial.
152	IIRO report concerning the Fatima al Zahraa Hospital (IIRO 126173-126176)	487	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.”</p> <p>803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused —</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				Satisfies Rule 901 and would be authenticated as needed at trial.
153	Islamic Coordination Council report concerning the IIRO and the Fatima al Zahraa Hospital (IIRO 112761-112762)	487	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid. 802.</i> • Lacks authentication. <i>See Fed. R. Evid. 901.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.”</p> <p>803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				Satisfies Rule 901 and would be authenticated as needed at trial.
154	Islamic Coordination Council correspondence concerning the IIRO and the Fatima al Zahraa Hospital (IIRO 112745-112748)	487	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.”</p> <p>803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused —</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
155	MWL/IIRO correspondence concerning the Fatima al Zahraa Hospital, March 22, 2003 (IIRO 59410-59411)	487	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
156	MWL/IIRO correspondence concerning the Fatima al Zahraa Hospital, March 31, 2003 (IIRO 108937)	487	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
157	MWL/IIRO correspondence concerning the Fatima al Zahraa Hospital, July 10, 2003 (IIRO 105986)	487	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
158	Basha Exhibit 134 – IIRO 1999-2000 Annual Report (IIRO 212-330)	487	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid. 802.</i> • Lacks authentication. <i>See Fed. R. Evid. 901.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
159	February 8, 2024 Transcript of the Deposition of Aimen Dean	488	n/a	n/a
160	FBI Report, <i>PENTTBOMB, MAJOR CASE 182</i> , September 27, 2001 (EO14040 2857-2863)	490, 497, 500	<ul style="list-style-type: none"> • Hearsay to which no exception applies given redactions, lack of sourcing, and hearsay within hearsay. <i>See Fed. R. Evid 802.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply:</p> <p>Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge;</p> <p>Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii);</p> <p>Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Lastly, with respect to the allegation the document is too heavy on redaction and sourcing, please see the expert report and testimony of Jonathan Winer, who explains the</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				rigorous process undertaken to create these reports, offers evidence that they were prepared for senior U.S. policymakers, and presents facts corroborating the key assessments as to ARB and its principals.
161	August 6, 2000 letter from ARB's Director of Sharia Supervision Division to the Deputy Director General of the Sharia Group concerning Towayan al Towayan (ARB 40369)	491	n/a	n/a
162	Towayan al Towayan's ARB Account Statement (ARB 42189-42216)	494, 496	n/a	n/a
163	Towayan al Towayan's ARB Account Statement (ARB 42217-42218)	495, 499	n/a	n/a
164	Susan Schmidt, <i>Spreading Saudi Fundamentalism in U.S.</i> , Washington Post, October 2, 2003	503	<ul style="list-style-type: none"> • Hearsay to which no exception applies. See Fed. R. Evid. 802. • Should be excluded under Rule 403 for unfair 	Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by Saudi Arabia, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Ancient Documents

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			prejudice. <i>See</i> Fed. R. Evid. 403.	Exception to the extent prepared prior to January 1, 1998. Rule 803(16); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of Saudi witnesses. Rule 613 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c).

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				Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.
165	October 21, 2019 Transcript of the Deposition of Ibrahim Abdullah	503	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid. 802.</i> • Lack of personal knowledge. <i>See Fed. R. Evid. 602.</i> 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused —or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more

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				<p>probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613 607, and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c).</p> <p>Testimony satisfies Rule 602.</p>
166	Part Four of the Joint Congressional Inquiry Into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 ("the 28 Pages")	505	n/a	n/a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
167	August 3, 2002 letter from ARB's Director of Legal Affairs Division to SAMA concerning payments to Omar al Bayoumi via ARB's Payable Through Account at Chase Manhattan Bank (ARB 39329)	476	n/a	n/a
168	Financial transactions associated with Omar al Bayoumi via ARB's Payable Through Account at Chase Manhattan Bank (ARB 13761, 13762, 13767)	476	n/a	n/a
169	November 11, 2002 letter from SAMA's Director of Banking Inspection Division to ARB concerning Financial transactions associated with Omar al Bayoumi (ARB 13754-13755)	476	n/a	n/a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
170	Abdullah al Rajhi Exhibit 28 – August 3, 2006 IIRO Designation	73, 117, 240, 242, 246	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid. 802.</i> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for describing charity branch that has no connection to Al Rajhi Bank and for discussing designations of other terrorist groups and other attacks not at issue in this litigation. <i>See Fed. R. Evid. 403.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
171	January 11, 2024 Transcript of the Deposition of Evan F. Kohlmann	290, 562	<ul style="list-style-type: none"> • Should be excluded to the extent expert testimony is used as a conduit for inadmissible hearsay (<i>see</i> Fed. R. Evid. 802) and to the extent expert is not qualified to offer opinion on Designations or Banking Regulations. <i>See</i> Fed. R. Evid. 702. 	<p>Expert opinion is admissible under Rule 702 as his opinion was reliable and he is qualified to offer opinion on the topics he discussed.</p> <p>Per Rule 703 and 803(18) experts are permitted to rely on hearsay. Statements mentioned are not hearsay and are admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them.</p> <p>Even if it is hearsay, several exceptions apply: Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result; hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for</p>

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				impeachment and to undermine credibility of ARB witnesses. Rule 613 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c). Proper summary evidence under Rule 1006.
172	October 8, 1998 letter from ARB's Deputy Director General for the Banking Group to the Director of Northern Riyadh Branches concerning 9 Al Haramain Islamic Foundation accounts at ARB (ARB 38920)	328, 332	n/a	n/a
173	September 1, 1999 letter from ARB's Director of Legal Affairs Administration to the Director of Branches Administration concerning	328, 332	n/a	n/a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
	changing the name of a personal account at ARB to Al Haramain Islamic Foundation (ARB 38885)			
174	September 9, 1999 letter from Aqil al Aqil to ARB's Director General concerning changing the name of a personal account at ARB to Al Haramain Islamic Foundation (ARB 38878)	328, 332	n/a	n/a
175	October 13, 1999 letter from Aqil al Aqil to ARB's Director General concerning changing the name of a personal account at ARB to Al Haramain Islamic Foundation (ARB 38994)	328, 332	n/a	n/a
176	November 4, 1999 letter from Al Haramain Islamic Foundation officials to ARB concerning changing the name of a personal account at ARB to Al	328, 332	n/a	n/a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
	Haramain Islamic Foundation (ARB 38995)			
177	November 13, 1999 letter from ARB's Director of Al Arbaeen Street Branch to the Head of Legal Affairs Section concerning changing the name of a personal account at ARB to Al Haramain Islamic Foundation (ARB 39001)	328, 332	n/a	n/a
178	November 16, 1999 letter from ARB's Head of Legal Affairs Section to the Director of Al Arbaeen Street Branch concerning changing the name of a personal account at ARB to Al Haramain Islamic Foundation (ARB 38996)	328, 332	n/a	n/a
179	November 23, 1999 letter from ARB's Director of Al Arbaeen Street Branch to the Deputy Director General of the Banking Group concerning changing the name of a personal	328, 331, 332	n/a	n/a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
	account at ARB to Al Haramain Islamic Foundation (ARB 38978)			
180	January 19, 2000 letter from Al Haramain Islamic Foundation officials to ARB concerning changing the name of a personal account at ARB to Al Haramain Islamic Foundation (ARB 38979)	328, 332	n/a	n/a
181	September 10, 2000 letter from Aqil al Aqil to ARB's Director of Al Arbaeen Street Branch concerning changing the names of personal accounts at ARB to Al Haramain Islamic Foundation (ARB 39077)	328, 332	n/a	n/a
182	August 8, 2001 letter from Aqil al Aqil to ARB's Director of Al Olaya Street General Branch concerning changing one of Aqil's accounts at ARB to Al Haramain Islamic Foundation (ARB 38486)	328, 332	n/a	n/a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
183	Declaration of Ben T. Railsback, March 7, 2024	359, 360	• This Declaration should be excluded for the reasons stated in Al Rajhi Bank's Motion to Strike. <i>See ECF No. 9772.</i>	This Declaration should be admitted into evidence for the reasons stated in Plaintiffs' Opposition. See ECF No. 9798
184	February 9, 2024 Transcript of the Deposition of Fawzi al Hobayb	362	n/a	n/a
185	Checks to WAMY Secretary General Maneh al Johani signed by Suleiman al Rajhi (NL 10068, NL 10384)	419, 560	• Lacks authentication. <i>See Fed. R. Evid. 901.</i>	Satisfies Rule 901 and would be authenticated as needed at trial.
186	Check to WAMY signed by Suleiman al Rajhi (NL 10333)	419, 560	• Lacks authentication. <i>See Fed. R. Evid. 901.</i>	Satisfies Rule 901 and would be authenticated as needed at trial.
187	Soliman al Buthe's ARB Account Statement (ARB 858-959)	337, 367, 377	n/a	n/a
188	ARB Branch Manual, 1997 (ARB 16-734)	303, 304	n/a	n/a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
189	ARB AML Guide, November 1998 (ARB 735-744)	303, 304, 305, 362, 363, 372, 385	n/a	n/a
190	Richard Cole, <i>U.S. Raised Money Plays Big Role in Financing Terror</i> , Associated Press, May 26, 1997	291, 292	<ul style="list-style-type: none"> • Hearsay to which no exception applies. See Fed. R. Evid. 802. 	<p>Court can take judicial notice. Rule 201. Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by Saudi Arabia, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Ancient Documents Exception to the extent prepared prior to January 1, 1998. Rule 803(16); Statements in Learned Treatises, Periodicals, or Pamphlets. Rule 803(18); Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. The statement can also be used for impeachment and to undermine credibility of Saudi witnesses. Rule 613 and 806. And can be affirmative evidence to the extent lie</p>

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				shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R. Civ. P. 56(c).
191	Galloway Exhibit 3 – International Islamic Relief Organization Accounts at Al Rajhi Bank (283)	None	• Improper summary exhibit. See Fed. R. Evid. 1006.	This index serves as a proper summary exhibit under Rule 1006 in that they contain material summarizing results of investigation or other information
192	U.N. Resolution Adopted by the General Assembly [on the report of the Sixth Committee (A/51/631)], Fifty-first session, Agenda Item 151, January 16, 1997	286	• Hearsay to which no exception applies. See Fed. R. Evid. 802.	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows

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				consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).
193	Terrorist Finance Convention, Adopted by the General Assembly of the United Nations in resolution 54/109 of December 9, 1999	288	n/a	n/a
194	Abdullah al Rajhi Exhibit 51 – Suleiman Bin Abdul Aziz Al Rajhi Charitable Foundation's ARB Account Transaction Record (ARB 39960)	545, 546	n/a	n/a
195	Abdullah al Rajhi Exhibit 52 – Suleiman Bin Abdul Aziz Al Rajhi Charitable Foundation's ARB Account	545	n/a	n/a

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
	Transaction Record (ARB 39961)			
196	Abdullah al Rajhi Exhibit 55 – Checks to Al Haramain Islamic Foundation signed by Suleiman al Rajhi (NL 10086, NL 10088, NL 10094, NL 10245)	545, 546	<ul style="list-style-type: none"> • Lacks authentication. <i>See Fed. R. Evid. 901.</i> • Should be excluded under Rule 403 for unfair prejudice and confusing the issues for attempting to impute liability through guilt-by-association with individuals. <i>See Fed. R. Evid. 403.</i> 	<p>Satisfies Rule 901 and would be authenticated as needed at trial.</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p>
197	Abdullah al Rajhi Exhibit 54 – Aqil al Aqil's ARB Account Statement (ARB 41464-41501)	546	n/a	n/a
198	Sana-Bell, Inc. Two-year Report for Non-Profit Foreign and Domestic Corporations, June 26, 2000 (SANA-BELL 0037-38)	548, 556	<ul style="list-style-type: none"> • Lacks authentication. <i>See Fed. R. Evid. 901.</i> • Hearsay to which no exception applies. <i>See Fed. R. Evid. 802.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for</p>

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				<p>matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.”</p> <p>803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs’ expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
199	Galloway Exhibit 24 – Letters between Suleiman al Rajhi and MWL/IIRO/Sanabel al Khair officials (ARB 39593-39604)	548, 549, 550, 551	n/a	n/a
200	May 30, 1995 letter from the Assistant Director of IIRO-Tanzania Office to the Chief of Protocol, Ministry of Foreign Affairs, Dar es Salaam (IIRO 315040)	553	<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. 	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records

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			<ul style="list-style-type: none"> • Should be excluded under Rule 403 for unfair prejudice for discussing charity work that has no link to Al Qaeda. <i>See Fed. R. Evid. 403.</i> 	<p>Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.”</p> <p>803(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
201	Criminal Complaint, USA v. Sohiel Omar Kabir, et al., Case No. ED12-0431M, November 16, 2012	570	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See Fed. R. Evid. 802.</i> • Should be excluded under Rule 403 for unfair prejudice for imputing liability by guilt-by-association through connections with individuals. <i>See Fed. R. Evid. 403.</i> 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
202	Statement by Abdullah al Jibrin, October 26, 1999	573	<ul style="list-style-type: none"> • Hearsay to which no exception applies. <i>See</i> Fed. R. Evid. 802. • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	<p>Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the</p>

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts.</p> <p>Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. Rule 804(b)(3)(A) makes a statement against his own interest. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other).</p> <p>General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Witness could be called to testify at hearing or trial. Fed. R. Civ. P. 56(c)(2). If witness doesn't remember, statement could refresh recollection. Rule 803(5).</p> <p>Satisfies Rule 901 and would be authenticated as needed at trial.</p>
203	Checks to Abdullah bin Ibrahim al Misfer signed by Suleiman al Rajhi (NL 10327, NL 10348, NL 10349, NL 10350, NL	263	<ul style="list-style-type: none"> • Lacks authentication. <i>See</i> Fed. R. Evid. 901. 	Satisfies Rule 901 and would be authenticated as needed at trial.

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
	10145, NL 10423, NL 10194)			
204	Expert Report of Jonathan M. Winer, October 4, 2023 (FBI Protected Materials Version)	479	• See Objections to Pls. Ex. 4.	See Plaintiff's Response to Ex. 4
205	AT&T Subpoena Response, Telephone Records for Omar al Bayoumi	479	• Should be excluded under Rule 403 for unfair prejudice for attempting to impute liability through guilt-by-association. <i>See Fed. R. Evid. 403.</i>	Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial, will not confuse or mislead, and it does not needlessly present cumulative evidence.
206	Telephone directory identifying telephone numbers associated with Abdul Rahman al Rajhi and Abdullah al Misfer (NL 18775)	479	• Lacks authentication. <i>See Fed. R. Evid. 901.</i>	Satisfies Rule 901 and would be authenticated as needed at trial.
207	Pacific Bell telephone records for Fahad al Thumairy (FBI 573-580) (FBI Protected Material)	479	• Lacks authentication. <i>See Fed. R. Evid. 901.</i>	Satisfies Rule 901 and would be authenticated as needed at trial.
208	Expert Report of Evan F. Kohlmann, October 4, 2023	479, 490	• <i>See Objections to Pls. Ex. 38.</i>	See Plaintiffs Response to Ex 38.

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
	(FBI Protected Materials Version)			
209	FBI Report, <i>PENTTBOMB, MAJOR CASE 182</i> , September 27, 2001 (EO14040-002857-2863-MDL) (FBI Protected Material)	490, 498	• See Objections to Pls. Ex. 160.	Statement is not hearsay and is admissible under Rule 801(d)(2)(A)-(E) as statement by ARB, its agents, employees, or co-conspirators, or statements adopted or authorized by any of them. Even if it is hearsay, several exceptions apply: Business Records Exception 803(6) for records kept in the ordinary course of business created at or near the time and transmitted by someone with knowledge; Public Records Exception 803(8)(A)(ii) for matters “observed while under a legal duty to report” (exclusion for law enforcement reports do not apply in a civil case); Public Records Exception for “factual findings from a legally authorized investigation.” 803(8)(A)(iii); Unavailable Witness Exception 804(a)(2) & (3) where the witness cannot recall the subject matter or exercises a privilege (e.g., Vienna) and refuses to testify on the subject matter; 804(b)(3)(A) makes a statement against his own interest; Rule 804(b)(6) in that the statements are offered against ARB that wrongfully caused — or acquiesced in wrongfully causing — the declarant’s

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Plaintiffs' Ex. No.	Document Description	Cited in Plaintiffs' Corrected Averment (ECF No. 9764)	ARB's Objection	Plaintiffs' Response
				<p>unavailability as a witness, and did so intending that result; Residual Hearsay Exception 807 when the statement is supported by sufficient guarantees of trustworthiness under the totality of the circumstances and any corroborating evidence and more probative on the point than any other evidence. Hearsay is reasonably relied upon by Plaintiffs' expert and is the type relied upon by other similar experts. Rule 703. The statement can also be used for impeachment and to undermine credibility of ARB witnesses. Rule 613, 607 and 806. And can be affirmative evidence to the extent lie shows consciousness of guilt. And not hearsay if offered not for the truth of the matter, (e.g., motive, notice, effect on listener, that individuals knew each other). General policy in favor of admissibility especially in bench trials rather than a lay jury trial. Would be proven at trial as needed by admissible evidence. Fed. R.Civ. P. 56(c).</p> <p>Rule 403 was designed to be used sparingly, as an exceptional remedy for uniquely dangerous or problematic evidence. Here, this is not the case, as the evidence at issue is not unfairly prejudicial,</p>

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				will not confuse or mislead, and it does not needlessly present cumulative evidence.

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